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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,470	02/17/2004	Atsushi Shibutani	04092/LH	2674

1933 7590 03/06/2008

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
AGGARWAL, YOGESH K	

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
03/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/781,470	SHIBUTANI, ATSUSHI	
	Examiner	Art Unit	
	YOGESH K. AGGARWAL	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13-17 and 20-34* is/are rejected.

7)☒ Claim(s) *18 and 19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/12/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 13-34 have been considered but are moot in view of the new ground(s) of rejection.

Examiner's response:

2. Applicant argues that Ban fails to teach a sample image or additional information to be displayed together with an optical image of the subject which is picked up based on the set photographing condition data. The Examiner respectfully disagrees. Ban teaches in Paragraphs 131, 133, figures 17 and 19 a live view image which is an optical image in the standby state along with sample image along with additional information based on a set photographing condition data (e.g. a shutter speed, a state of diaphragm corresponding to a particular mode e.g. a macro mode, person mode, and sport mode as taught in Paragraphs 89, 90 and 94).

Claim Rejections - 35 USC § 102

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13-17, 20 and 22-25, 29, 30, 32 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Ban (US PG-PUB # 2004/0201741).

[Claim 13]

Ban teaches a camera apparatus (figure 3) comprising:

a display device (LCD display 3) for displaying in a standby state for taking a picture an optical image of a subject to be photographed (Paragraphs 131, 133 teach live view image which

is an optical image in the standby state along with sample image GS {labeled in figure 6 and paragraph 89}, Also see Paragraph 129 and figures 17 and 19);

a memory (figure 3, memory 48) for storing plural photographing condition data (e.g. a macro mode, person mode, and sport mode as taught in Paragraphs 89, 90 and 94) corresponding to respective photographing conditions (e.g. a shutter speed, a state of diaphragm corresponding to a particular mode) and plural sample images (e.g. sample image GS as shown in figure 6 and in figures 15-18) wherein the plural sample images correspond to the plural photographing condition data, respectively (See a detailed guide information explanation in Paragraphs 80-95 and figures 4-7),

a selector (touch panel sensor 17) for selecting one of the sample images stored in the memory 48 in response to a selecting operation (Paragraphs 90 and 135, figures 6, 15 and 16);

a photographing-condition setting unit (microcomputer 50) for setting a photographing condition (e.g. a shutter speed, a state of diaphragm corresponding to a particular mode) based on the photographing condition data (e.g. a macro mode, person mode, and sport mode as taught in Paragraphs 89, 90 and 94) corresponding to the sample image (GS) selected by the selector (Paragraph 90) in response to a decision operation; and

a display controller (51) for causing the display device to display the sample image corresponding to the photographing condition set by the photographing-condition setting unit together with the optical image of the subject which is picked up by the camera apparatus based on the photographing condition set by the photographing condition setting unit (Paragraphs 131, 133, figures 17 and 19 teach live view image which is an optical image in the standby state along

with sample image, e.g. a shutter speed, a state of diaphragm corresponding to a particular mode e.g. a macro mode, person mode, and sport mode as taught in Paragraphs 89, 90 and 94).

[Claim 14]

Ban teaches wherein the display controller controls the display device to display the sample image together with the optical image of the subject for a predetermined period (figure 19, paragraph 133), and then to display only the optical image of the subject after the predetermined period (Paragraph 134, figure 20, Also see Paragraph 129 and figures 17 and 19).

[Claim 15]

Ban teaches wherein the selector successively changes the sample image in response to the selecting operation, and the display controller controls the display device to display the successively changed sample images, thereby allowing a user to select one of the sample images from among the successively displayed sample images (Paragraphs 135-137).

[Claim 16]

Ban teaches wherein the display controller controls the display device to display the sample image before the photographing condition is set by the photographing-condition setting unit, and the selector selects the displayed sample image in response to the selecting operation (Paragraphs 135-137).

[Claim 17]

Ban a selection starting unit for causing the selector to start selection of the sample image, and wherein the selector restarts selection of the sample image when the selection starting unit causes

the selector to start selection of the sample image after the photographing condition has been set by the photographing-condition setting unit (Figure 14, steps S138-S144).

[Claim 20]

Ban teaches wherein the display controller controls the display device to display respective ones of the sample images in response to the selecting operation of the selector, and wherein the selector selects the sample image from among the displayed sample images (Paragraph 135) .

[Claim 22]

Ban teaches wherein the display controller controls the display device to display the sample image currently selected by the selector and another one of the sample images in a manner discernible one from other (Paragraph 135).

[Claim 23]

Ban teaches wherein the memory stores the plural sample images in a predetermined storing order, and the display controller controls the display device to display the sample image selected by the selector and a sample image adjacent to the selected sample image in the storing order together with the optical image of the subject (Paragraphs 127-129).

[Claim 24]

Ban teaches wherein the display controller controls the display device to display the sample image selected by the selector and the sample image adjacent to the selected sample image in a manner discernible one from other (Paragraph 135, before and after are used to select and display adjacent images)

[Claim 25]

. Ban teaches a camera apparatus (figure 3) comprising:

a display device (LCD display 3) for displaying in a standby state for taking a picture an optical image of a subject to be photographed (Paragraphs 131, 133 teach live view image which is an optical image in the standby state along with sample image GS {labeled in figure 6 and paragraph 89}, Also see Paragraph 129 and figures 17 and 19);

a memory (figure 3, memory 48) for storing plural photographing condition data (e.g. a macro mode, person mode, and sport mode as taught in Paragraphs 89, 90 and 94) corresponding to respective photographing conditions (e.g. a shutter speed, a state of diaphragm corresponding to a particular mode) and plural additional information data (guide information GT shown in figure 6 and Paragraph 89 and in figures 16-18) for explaining contents of the photographing condition (correspond to a mode and photographing condition e.g. shutter speed, a state of diaphragm) and contents of the sample image (Paragraphs 126-130, figures 14-18); a selector (touch panel sensor 17) for selecting one of the sample images stored in the memory 48 in response to a selecting operation (Paragraphs 90 and 135, figures 6, 15 and 16);

a photographing-condition setting unit (microcomputer 50) for setting a photographing condition (e.g. a shutter speed, a state of diaphragm corresponding to a particular mode) based on the photographing condition data (e.g. a macro mode, person mode, and sport mode as taught in Paragraphs 89, 90 and 94) corresponding to the sample image (GS) selected by the selector (Paragraph 90) in response to a decision operation; and

a display controller (51) for causing the display device to display at least one of the additional information data and a sample image corresponding to the photographing condition set by the photographing-condition setting unit together with the optical image of the subject which is picked up by the camera apparatus based on the photographing condition set by the

photographing condition setting unit (Paragraphs 131, 133 teach live view image which is an optical image in the standby state along with sample image, Also see Paragraph 129 and figures 17 and 19).

[Claims 29, 30, 32 and 33]

These are method and computer readable medium claims corresponding to apparatus claims 13 and 25 respectively. Therefore they have been analyzed and rejected based upon apparatus claims 13 and 25 respectively.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 21, 26-28, 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ban (US PG-PU 20040201741) in view of Matsugu (US Patent # 6,987,535).

[Claim 21]

Ban fails to teach teaches wherein the display controller controls the display device to display a plurality of the sample images together with the optical image of the subject. However Matsugu teaches multiple extracted images (40a-40c, sample images) that are displayed simultaneously on the display (24) together with the optical image of the object (background object 42, col. 4 line 15-col. 5 line 51, figures 2-4) and to extract one of the sample images.

Therefore taking the combined teachings of Ban and Matsugu, it would be obvious to one skilled in the art to have been motivated to have display controller causes the display device to

simultaneously display plural sample images to be selected together with the optical image of the subject and a selector to select one of the displayed sample to be used in the system of Ban in order for the user to look at multiple images at the same time and choose the best image from among the plurality of sample images thereby having a final image according to user's tastes and best quality.

[Claim 26]

Ban teaches a camera apparatus (figure 3) comprising:

a display device (LCD display 3) for displaying in a standby state for taking a picture an optical image of a subject to be photographed (Paragraphs 131, 133 teach live view image which is an optical image in the standby state along with sample image GS {labeled in figure 6 and paragraph 89}, Also see Paragraph 129 and figures 17 and 19);

a memory (figure 3, memory 48) for storing plural photographing condition data (e.g. a macro mode, person mode, and sport mode as taught in Paragraphs 89, 90 and 94) corresponding to respective photographing conditions (e.g. a shutter speed, a state of diaphragm corresponding to a particular mode) and plural sample images (e.g. sample image GS as shown in figure 6 and in figures 15-18) wherein the plural sample images correspond to the plural photographing condition data, respectively (See a detailed guide information explanation in Paragraphs 80-95 and figures 4-7),

a selector (touch panel sensor 17) for selecting one of the sample images stored in the memory 48 in response to a selecting operation (Paragraphs 90 and 135, figures 6, 15 and 16);

a photographing-condition setting unit (microcomputer 50) for setting a photographing condition (e.g. a shutter speed, a state of diaphragm corresponding to a particular mode) based on

the photographing condition data (e.g. a macro mode, person mode, and sport mode as taught in Paragraphs 89, 90 and 94) corresponding to the sample image (GS) selected by the selector (Paragraph 90) in response to a decision operation; and

Ban fails to teach wherein the display controller causes the display device to simultaneously display plural sample images to be selected together with the optical image of the subject and a selector to select one of the displayed sample images. However Matsugu teaches multiple extracted images (40a-40c, sample images) that are displayed simultaneously on the display (24) together with the optical image of the object (background object 42, col. 4 line 15-col. 5 line 51, figures 2-4) and to extract one of the sample images.

Therefore taking the combined teachings of Ban and Matsugu, it would be obvious to one skilled in the art to have been motivated to have display controller causes the display device to simultaneously display plural sample images to be selected together with the optical image of the subject and a selector to select one of the displayed sample to be used in the system of Ban in order for the user to look at multiple images at the same time and choose the best image from among the plurality of sample images thereby having a final image according to user's tastes and best quality.

[Claims 27 and 28]

See Examiner rejections regarding claims 23 and 24.

[Claims 31 and 34]

These are method and computer readable medium claims corresponding to apparatus claim 26. Therefore it has been analyzed and rejected based upon apparatus claim 26.

Allowable Subject Matter

6. Claims 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YKA
March 2, 2008

LIN YE
SUPERVISORY PATENT EXAMINER